

UNCLASSIFIED

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TAGS: MASS, PREL, PHUM, PINS, PINR, KSEP

SUBJECT: LEAHY HUMAN RIGHTS VETTING PROCEDURES:
SUPPLEMENTAL GUIDANCE

03 STATE 34981

1. M/R (SEP) cleared this telegram This is an action cable, see paras 8, 9, and 13.

2. Summary: The Department has created the Abuse Case Evaluation System (ACES), a database which will collect human rights-related reporting, and facilitate the management of human rights abuse allegations and compliance with the Leahy Amendment guidelines on providing foreign assistance. ACES is intended to aggregate more human rights data into a single, easily searchable location, and facilitate analysis of the data's validity. It is expected to be online and available to posts and the Department in January and the procedures for incorporating ACES into the current Leahy vetting process described in this cable will go into effect when the Department notifies septel of its release. This cable supplements, and does not/not replace the Leahy human rights vetting procedures described in reftel. However, this cable updates paragraphs 13-14, and 18-19 of reftel. All other Leahy guidance in reftel remains in effect, including standards and definitions. End Summary.

Background

3. The annual Foreign Operations Appropriations Act (FOAA) restricts the Department from providing assistance to any foreign security unit for which credible evidence exists of gross violations of human rights, unless certain conditions have been met. The Department of Defense's appropriations act contains a similar restriction. These

respective State and DOD restrictions are generally referred to as the Leahy Amendments. Text of the current versions of the Leahy Amendments (FY 2005 Appropriations Acts for FOAA and DOD) are unchanged from FY 2002 and FY 2003 as reported in reftel and FY 2004.

4. Regional bureaus, DRL, PM, INR, IRM, and L have coordinated closely with regard to the implementation of the Leahy Amendments. To that end, DRL has provided funds to IRM bureau to create a centralized database for the Department to improve collection, storage, search capability, and evaluation of credibility for human rights abuse allegations. This software will eliminate the need to report allegations of human rights abuses via cable.

ACES: The New Human Rights Database

5. ACES will be a clearinghouse of useful information of alleged human rights abuses. It will reside on SIPRNet and be available to select users world wide who have access to SIPRNet. Data will come from sources currently used for Leahy vetting, such as post reporting, press, NGOs, national human rights commissions, and other sources. Users at posts and in the Department will be able to enter and comment on allegations, and DRL will "validate" (check for duplication, completeness of entry, etc.) all entries created for ACES. To the extent possible, DRL will check with desk/post for additional information before allegations are entered into ACES. No non-USG actors will be able to review or upload data directly to ACES.

6. As ACES becomes populated with data, it will become an invaluable tool for posts and the Department to make Leahy human rights vetting more efficient and effective, as well as to facilitate human rights monitoring and reporting in general. One of the key features of ACES is the ability to enter names of individuals, commanders, and units and conduct searches against those names. The database is similar to, and will allow for easy uploads from MARTUS, the publicly available software DRL has helped provide to several NGOs, national human rights commissions, and some posts to assist in their tracking of human rights abuse allegations.

7. As a storehouse of information on human rights data, not every entry will necessarily be a credible allegation of a human rights abuse. ACES could contain records of known false allegations, to prevent post or the Department from having to re-research incidents due to staff turnover. Disputes about the validity or credibility of entries will be handled by the Incident Review Team (see para 11 for details). Each entry allows for document attachments, comments from multiple users, and updates based on new information. For example, if an NGO makes an allegation which is later found to be erroneous, the record will be updated with new information to facilitate any future vetting. Until ACES is operational, posts can review the graphic user interface of ACES on the Intranet

at aces.irm.state.gov to become familiar with the look and feel of the software.

Reporting Human Rights Abuse Allegations

8. a) Posts will enter incidents of alleged human rights abuses into ACES whenever they occur or are reported to post. This step will replace the requirement that posts report alleged abuses via cable and keep track of allegations at post, per reftel. The standard concerning which incidents to report does not change. As explained in para 24 of reftel, posts need not submit reports that it confidently believes to be unfounded. However, if there is any doubt about the credibility of an allegation post should enter it into ACES. Each report of a violation entered into ACES should be accompanied by a comment from the user evaluating the credibility of the allegation, in the user's opinion.

b) If no incidents have occurred in a given quarter, posts at which security forces receive FOAA assistance or DOD training will enter into ACES a negative report from the country team for that quarter, modeled on the Visa Viper process.

c) For all incidents reported, post should identify the alleged abuser as well as the unit and the commander of the unit to which the alleged abuser(s) is/are assigned.

d) No information placed in ACES will be above SECRET classification. When INR finds new relevant information in Sensitive Compartmented databases, it will coordinate with DRL to create limited entries in ACES that contain the name of the individual or unit in question and a message to contact INR for further details. Entries may include document identifiers or additional information as classification permits.

Leahy Vetting Procedure

9 Actions at Post

a) Before providing FOAA-funded assistance or DOD-funded training, posts will search all files and records, including ACES, outgoing cable traffic, DEA, DOJ, CONS, etc. for individual names in the case of individual training/assistance or unit names in the case of unit training/assistance.

b) For all units, only commanders will be vetted by name. This includes new composite units.

c) If no relevant derogatory information is retrieved, post will cable the unit and/or individual names to the Department for a review of Department files and databases.

d) If derogatory information is found at post, ACES will be updated with details of any previously unreported findings. In the case of FOAA-funded assistance, post has two options: 1. Post may advise the host government that there are questions about the individual or unit and the assistance or training will not be provided to them. Post may offer the host government the opportunity to provide substitute candidates for training/assistance; or 2. Post may provide all relevant information to the Department for Department's guidance on how to proceed.

10. Actions at State

a) Regional bureaus will coordinate vetting requests with DRL and PM, and if necessary INL and INR, to search their unique databases and records. Responses are due to regional bureaus in 10 days.

b) If vetting is "clean", the regional bureau will cable post, the combatant command, OSD, and the Joint Staff advising that "The Department of State possesses no credible evidence of gross violations of human rights by (name of individuals or units), as of (date of cable)."

c) If a "hit" is found:

-- If DOD-funded, Department will report derogatory and any mitigating information to DOD. DOD will make its own determination as to whether to proceed with training.

-- If FOAA-funded, all information collected regarding the alleged incident will be sent to the Incident Review Team for consideration.

Incident Review

11. a) The Incident Review Team will be convened by the PM/PPA Office Director and will consist of Office Directors from DRL/PHD, the regional bureau, and representatives from L. (Authority from each director may be delegated downward at his/her discretion.)

b) The team will make a recommendation based on policy or law (see paras 15 and 16 of reftel for possible options).

-- After consideration of the information provided, if there is agreement among the Incident Review Team members regarding the incident in question, the regional bureau will cable post indicating whether the unit(s) in question are eligible for FOAA-funded assistance. The Incident Review Team may send an info memo to Assistant Secretaries of PM, DRL, and the regional bureau informing them of the decision.

-- If the Incident Review Team does not reach consensus, it will pass all information up to the appropriate level in interested bureaus for decision.

-- If a consensus for a decision is not reached in the second-level review, a split decision memo may be

sent to the Secretary.

-- PM will update ACES to include a summary of the review.

After the Testing Period

12. There will be a "break-in" period that may last approximately six months during which ACES is tested and populated with data. The Department will notify by septel when the break-in period has ended. At that time, Posts will no longer be required to cable the Department seeking vetting of individuals or units about whom post finds no negative information in ACES (i.e. the step d escribed in para 9(c)). In those cases, Posts will have authority to grant final approval with respect to Leahy compliance for units and individuals identified to receive FOAA assistance.

13. Please provide the name and classified email address of all POC's at post who will need access to ACES to Deborah Cahalen Schneider, DRL/IRF, SchneiderDC@state.gov (202) 647-0348, or Patrick Harvey, DRL/PHD, HarveyPJ@state.gov, (202) 647-1437. POCs should include any AmCit at post involved in the vetting process, such as political officers, human rights officer, defense attaché, security assistance officer, legal attaché, consular officers, etc.

14. POCs at the Department of State are Deborah Cahalen Schneider and Gregory Holliday, PM/PPA, HollidayG@state.gov, (202) 647-4998.

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